



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,685	09/28/2001	Shawn Dominic Loveland	13768.233	5018
47973	7590	09/12/2006	EXAMINER	
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/966,685		LOVELAND ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Wen-Tai Lin		2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13, 16-23 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 4, 24-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-13 and 16-30 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-3, 5-13, 16-23 and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al.[U.S. PGPub. 20060036642].
4. As to claim 1, Horvitz teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to designated devices in response to detected events, a method for the notification mechanism notifying a user of an event in a context sensitive manner [Abstract; paragraphs 6-7; Figs. 6-7], the method comprising the following:
  - an act of detecting an event which requires a notification be dispatched to the user at a designated device [Abstract; paragraphs 7-10; e.g., events based on a user's stored preference about notifications];

upon identifying the designated device to dispatch the notification to and upon detecting the event, an act of accessing a current context of the user corresponding to a user status at the designated device [e.g., paragraphs 10-11];

an act of identifying a plurality of possible notification methods to use in order to dispatch the notification to the designated device, and determining, based on the current context of the user with the designated device, which of the plurality of notification methods to use to provide the notification to the user at the designated device [e.g., paragraphs 122, 150, 164 and 219; e.g., delivery based on device context status and its rendering capabilities (“in use”, “in-motion”, “last use”, etc.)]; and

an act of causing the notification to be dispatched to the designated device of the user using the identified notification method [e.g., claims 1-2].

5. As to claim 2, Horvitz further teaches that the method comprising an act of supporting a plurality of response actions that may be desired in response to the notification [e.g., paragraphs 4 and 216].

6. As to claim 3, Horvitz further teaches that the method comprising the following: an act of receiving a user-selection of at least one of the response actions [paragraphs 4 and 114].

7. As to claims 5, 7-8 and 11-12, Horvitz further teaches that the plurality of possible notification methods include at least a voice notification method and a visual

Art Unit: 2154

notification method, wherein the act of identifying one of the plurality of possible notification methods comprises an act of identifying the visual notification method based on the current context of the user, and the visual notification method includes a text notification method [e.g., paragraphs 4 and 148].

8. As to claim 6, Horvitz further teaches that the act of identifying one of the plurality of possible notification methods comprises an act of identifying the voice notification method based on the current context of the user [paragraph 148].

9. As to claims 9-10, Horvitz further teaches that the text notification method includes a notification method that uses text messages of limited size [e.g., paragraphs 85 and 165, wherein SMS messages are size limited].

10. As to claim 13, Horvitz further teaches that that the act of accessing a set of rules that define what notification method to use given the current context of the user [e.g., paragraphs 35 and 53].

11. As to claim 21, Horvitz further teaches that the method includes an act of causing an audible notification to be dispatched to the user using a telephone network [paragraphs 3 and 148].

12. As to claim 22, Horvitz further teaches that the act of causing an audible notification to be dispatched to the user using a telephone network comprises the following:

an act of dispatching a text message to a telephone server, the text message including instructions to dispatch a voice message to the user [e.g., paragraph 155].

13. As to claim 29, Horvitz further teaches that the current context includes at least one of a busy and not busy status of the designated device [e.g., paragraphs 164 and 166].

14. As to claim 30, Horvitz further teaches that the current context includes a hands free status of the designated device [e.g., paragraph 166].

15. As to claims 16-20, 23 and 26-28, since the features of these claims can also be found in claims 1-3, 5-13 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-3, 5-13 and 21-22 above.

16. Claims 4 and 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Applicant's arguments with respect to claims 1-13 and 16-30 on 12/19/2005 have

Art Unit: 2154

been considered but are moot in view of the new grounds) of rejection.

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

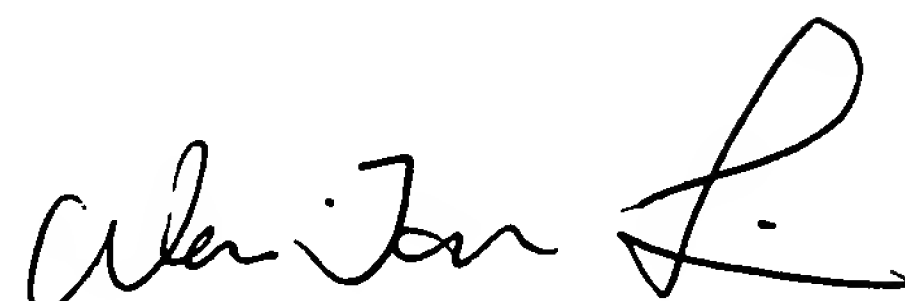
(571)273-3969 for status inquiries draft communication.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

August 31, 2006



8/31/06